

REMARKS

The Notice of Allowance dated May 18, 2010 has been received and carefully considered. In this response, claims 10, 19, 20, 36, 38, 39, 42, 83, and 190 have been amended pursuant to 37 C.F.R. § 1.312 to correct informalities such as typographic errors and lack of antecedent basis. 37 C.F.R. § 1.312 states, in part, that “Any amendment filed pursuant to this section must be filed before or with the payment of the issue fee, and may be entered on the recommendation of the primary examiner, approved by the Director, without withdrawing the application from issue.” By this § 1.312 Amendment, no new matter has been added. Entry of the amendment is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit account.

SUMMARY OF INTERVIEWS

MAY 4, 2009

The prosecution of this application, along with all but two of Applicants' copending application, was suspended for several years pending the outcome of the appeal of Application Serial Nos. 08/470,571 and 08/487,526 and the reexamination proceedings of seven related patents. Applicants inquired into the status of these applications in January, 2009, as the current six-month suspension period expired. Applicants requested that the suspension of these applications not be renewed. The Office, through Supervisory Examiner David L. Ometz indicated that the suspensions would not be renewed and that prosecution would recommence. Applicants wish to thank Examiner David L. Ometz for the courtesy of the interview held on May 4, 2009 in which Applicants' representatives and the Examiners discussed an overall plan for examination of the remaining 110 applications which relate to this application and have a common chain of priority. Applicants were informed that the Patent and Trademark Office (PTO) was developing a plan to resume examination and that Applicants would be informed when the plan was in place.

JULY 22, 2009

Applicants were informed in July, 2009, that a team of examiners had been assembled to examine Applicants' copending applications. Applicants appreciate the courtesies extended to Applicants' Representatives in a meeting held July 22, 2009, with the examination team. In attendance at the meeting were Thomas J. Scott, Jr. and Carl L. Benson, of Goodwin Procter and the PTO personnel identified on the attached list. Applicants' representatives made a presentation to the Examiners in attendance in accordance with the attached agenda and provided the materials attached hereto to the Examiners for their consideration and use in the further examination of this application and the other application related to this application as identified in Tab 2 of the materials provided to the Examiners in the meeting. Applicants' representatives agreed to respond to any telephone inquiries or to be present for personal interview at the PTO in any circumstance where the Examiner believed such an interview would advance the prosecution of this application.

SEPTEMBER 23, 2009

The Examiner and applicants' representatives met on September 23, 2009 to discuss the pending claims in this application. The Examiner asserted that U.S. Patent 4,488,179 to Kruger may be used to reject several of the pending claims as given their broadest reasonable interpretation. The Examiner suggest that the claims be amended to further clarify the invention to avoid the Kruger reference. Applicants supplied a proposed amendment to the claims for the Examiner's consideration.

FEBRUARY-APRIL, 2010

On February 11, 2010, the Examiner provided the Applicants further proposed amendments to claims 5 and 10. Applicants provided a counter proposal including amendments to the remaining independent claims. The Examiner suggested further amendments to claims 5 and 10 to avoid the Kruger reference and U.S. Patent 4,388,639 to Cox *et al.* and asserted that the remaining independent claims should be amended to include similar limitations to claims 5 and 10 for allowance. Applicants asserted that the remaining independent claims need not be amended in the same manner as claims 5 and 10 to avoid the teaching of the prior art such as Kruger and Cox. Applicants agreed to cancel several claims and proceed with the Examiner's proposal with the understanding that the disputed subject matter could be pursued in the copending "B" application. The Examiner and Applicants exchanged revisions of the proposed amendments to correct several informalities. These claims as agreed upon are entered by Examiner's amendment with the Notice of Allowance.

CONCLUSION

Applicants appreciate the Examiner's time and consideration in this matter.

Dated: May 20, 2010

Respectfully submitted,

By /Thomas J. Scott, Jr./

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